

Notice of Allowability

Application No.

09/987,361

Examiner

Ashutosh Upreti

Applicant(s)

AKAHORI, SADATO

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination filed 10/31/05 and previous amendments and arguments.

2. ☒ The allowed claim(s) is/are 1-3,5-13 and 15-20.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

JINGSE WU
PRIMARY EXAMINER

DETAILED ACTION

Response to Arguments and Amendments

Applicant's amendments filed October 17, 2005 and September 30, 2005, have been entered and made of record.

The objection to the drawing (Figure 7) is withdrawn in light of applicant's newly submitted corrected drawing of Figure 7.

The objection to the misspelled word in claim 3 is withdrawn in view of applicant's amendment to the claim.

In view of applicant's amendments and arguments, all 35 USC 103 rejections on the claims are withdrawn.

Claims 1-3, 5-13, and 15-20 are allowed.

The following is an examiner's statement of reasons for allowance:

As to claim 1, the limitation of selectively determining position and size on the image in which the photographing information represented by the photographing information data selected is to be superposed, was not found, in combination with the other limitations of the claim, in the prior art of record. Claims 2, 3, 5, 6, 8-10 are allowed as they depend from claim 1. Claims 7, 11 and 17 are allowable for similar reasons to claim 1. Claims 12, 13, 15, 16 and 18-20 are allowed as they depend from claim 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2623

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tomita (USPN 6,374,131) discloses acquiring information on direction and size of bioelectric currents in a person who has undergone an MRI scan and superposing information of directions and sizes of bioelectric currents on onto a tomographic image (column 6, lines 40-47). This is not considered to be the same as the instant applicant's invention as the bioelectric current information here is a result of a test, not a photographing condition.

Melkent (US Patent Publication 2003/0208122) discloses superposing onto images symbols and indicators of different size, shape and color, representing information on the positions and paths of medical equipment in a body (see claims 4, 13, 15 and 73 on pages 7-10).

Bieger (USPN 6,768,496) discloses superposing one image onto another based on photographing conditions like endoscope orientations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashutosh Upreti whose telephone number is (571) 272-7428. The examiner can normally be reached on Monday-Friday.

Art Unit: 2623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AU

AU
November 15, 2005

~~RECEIVED
NOV 15 2005
JINGGE WU~~

JINGGE WU
PRIMARY EXAMINER